

By: Myca Crasnow

H.B. No. 2419

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of the practice of dietetics and nutrition care services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 701.001, Occupations Code, is amended to read as follows:

Sec. 701.001. SHORT TITLE. This chapter may be cited as the Texas Dietetics and Nutrition Practice [~~Licensed Dietitian~~] Act.

SECTION 2. Section 701.002, Occupations Code, is amended by amending Subdivisions (3), (4), (6), and (8) and adding Subdivision (7-a) to read as follows:

(3) "Dietetics and nutrition care services" means the integration and application of [~~professional discipline of applying and integrating~~] scientific principles of food, nutrition, biochemistry, physiology, management, and behavioral and social sciences [~~under different health, social, cultural, physical, psychological, and economic conditions for the proper nourishment, care, and education of an individual or group throughout the life cycle~~] to achieve, and maintain, and restore human health[~~. The term includes the development, management, and provision of nutrition services~~].

(4) "Dietitians board" means the Texas [~~State~~] Board of Dietetics and Nutrition [~~Examiners of Dietitians~~].

(6) "Nutrition care systems [~~assessment~~]" means all of

1 the services provided by a licensed dietitian in each area of
2 practice, including assessment, evaluation, counseling,
3 monitoring, consultation, food preparation and delivery, research,
4 nutrition therapy, and education [~~evaluating the nutritional needs~~
5 ~~of an individual or group based on appropriate biochemical,~~
6 ~~anthropometric, physical, and dietary data to determine nutrient~~
7 ~~needs and recommend appropriate nutritional intake, including~~
8 ~~enteral and parenteral nutrition~~].

9 (7-a) "Nutrition therapy" means the management of a
10 disease or condition through the modification of nutrient or
11 whole-food intake. The term encompasses the assessment of an
12 individual's nutrition status, evaluation of nutritional needs,
13 and intervention or counseling to achieve optimal clinical
14 outcomes, taking into consideration the individual's health care
15 and dietary histories and physical, anthropometric, and laboratory
16 data. The term includes oral, enteral, and parenteral nutrition
17 interventions and takes into consideration the cultural
18 background, socioeconomic status, and food preferences of the
19 individual.

20 (8) "Practice of dietetics and nutrition care
21 ["Nutrition] services" includes [~~means~~]:

22 (A) assessing the nutritional needs of an
23 individual or group based on biochemical, anthropometric,
24 physical, and dietary data, [and] determining constraints and
25 resources to meet the nutritional needs of the individual or group,
26 and recommending proper nutrition intervention to satisfy those
27 needs, including oral, enteral, and parenteral nutrition

1 interventions [~~in the practice~~];

2 (B) establishing priorities, objectives, and
3 goals that meet the nutritional needs of the individual or group
4 based on [~~and are consistent with~~] constraints and available
5 resources;

6 (C) providing nutrition education or counseling
7 in health and disease;

8 (D) developing, implementing, and managing a
9 nutrition [~~nutritional~~] care system [~~systems~~]; [~~or~~]

10 (E) evaluating, adjusting [~~changing~~], and
11 maintaining appropriate quality standards in dietetics [~~food~~] and
12 nutrition [~~nutritional~~] care services; and

13 (F) providing nutrition therapy.

14 SECTION 3. Section 701.003, Occupations Code, is amended to
15 read as follows:

16 Sec. 701.003. APPLICATION OF SUNSET ACT. The Texas [~~State~~]
17 Board of Dietetics and Nutrition [~~Examiners of Dietitians~~] is
18 subject to Chapter 325, Government Code (Texas Sunset Act). Unless
19 continued in existence as provided by that chapter, the board is
20 abolished September 1, 2017.

21 SECTION 4. Subchapter A, Chapter 701, Occupations Code, is
22 amended by adding Section 701.004 to read as follows:

23 Sec. 701.004. APPLICATION OF CHAPTER. (a) This chapter
24 does not apply to a person who does not violate Section 701.251(b)
25 or (c) and is:

26 (1) a retailer that furnishes free oral or written
27 general nutrition information to a customer on food, food

1 materials, dietary supplements, and other goods sold at the
2 retailer's establishment in connection with the marketing and
3 distribution of those goods at the retailer's establishment, if the
4 information does not violate Section 101.201;

5 (2) a person that furnishes free oral or written
6 nutrition information on food, food materials, or dietary
7 supplements, if the information does not violate Section 101.201;

8 (3) a person engaged in the practice of the tenets of
9 any religion, sect, or denomination;

10 (4) a person who freely disseminates information,
11 conducts a class or seminar, or gives a speech related to dietetics
12 and nutrition care services, if the person does not violate Section
13 101.201;

14 (5) a licensed health care professional practicing
15 within the authorized scope of the person's license;

16 (6) a student or trainee working under the direct
17 supervision of a licensed dietitian for a limited period as
18 determined by the dietitians board, while fulfilling an experience
19 requirement or pursuing a course of study to meet requirements for a
20 license under this chapter;

21 (7) a person assisting in the practice of dietetics
22 and nutrition care services under the direct supervision of a
23 licensed dietitian and performing only support activities; or

24 (8) a person providing a program of weight control
25 services if the program has been reviewed by, consultation is
26 available from, and no program change can be initiated without
27 prior approval of:

1 to read as follows:

2 (a) The Texas [~~State~~] Board of Dietetics and Nutrition
3 [~~Examiners of Dietitians~~] consists of nine members appointed by the
4 governor with the advice and consent of the senate as follows:

5 (1) six licensed dietitian members, each of whom has
6 been licensed under this chapter for not less than three years
7 before the member's date of appointment; and

8 (2) three members who represent the public.

9 SECTION 8. Section 701.251(b), Occupations Code, is amended
10 to read as follows:

11 (b) Unless the person holds a [~~an appropriate~~] license
12 issued under this chapter, a person may not:

13 (1) use the title or represent or imply that the person
14 has the title "dietitian," "licensed dietitian," "licensed
15 dietitian and nutritionist," "nutritionist," "nutrition
16 therapist," or "licensed nutritionist" or [~~"provisional licensed~~
17 ~~dietitian" or~~] use the letters "LD," "LDN," "LNT," or "LN" [~~or~~
18 "PLD"]; [~~or~~]

19 (2) use a facsimile of those titles to indicate or
20 imply that the person is a dietitian, licensed dietitian, licensed
21 dietitian and nutritionist, nutritionist, nutrition therapist, or
22 licensed nutritionist [~~or provisional licensed dietitian~~]; or

23 (3) engage in the practice of dietetics and nutrition
24 care services for compensation.

25 SECTION 9. Section 701.252(a), Occupations Code, is amended
26 to read as follows:

27 (a) Each applicant for a [~~dietitian~~] license under this

1 chapter must submit a sworn application accompanied by the
2 application fee.

3 SECTION 10. Section 701.253(f), Occupations Code, is
4 amended to read as follows:

5 (f) The dietitians board shall waive the examination
6 requirement for an applicant who, at the time of application, is a
7 dietitian registered by the Commission on Dietetic Registration.
8 An applicant under this section is entitled to obtain a license if
9 the applicant:

- 10 (1) submits an application under Section 701.252;
11 (2) passes the jurisprudence examination required by
12 Section 701.2575; and
13 (3) pays the required examination and license fees.

14 SECTION 11. Section 701.254, Occupations Code, is amended
15 to read as follows:

16 Sec. 701.254. QUALIFICATIONS FOR EXAMINATION. To qualify
17 for the licensing examination under this chapter, an applicant
18 must:

19 (1) possess a baccalaureate or postbaccalaureate
20 degree, conferred by a college or university regionally accredited
21 at the time of conferral, with:

22 (A) a major course of study in human nutrition,
23 food and nutrition, nutrition education, dietetics, nutrition
24 science, or food systems management accredited by the Commission on
25 Accreditation for Dietetics Education; or

26 (B) an equivalent major course of study approved
27 by the dietitians board; and

1 (2) have completed an internship or supervised
2 practice accredited by the Commission on Accreditation for
3 Dietetics Education or a preplanned, documented, professional
4 experience program in dietetics practice of not less than 900 hours
5 under the supervision of a licensed dietitian or a registered
6 dietitian approved by the board.

7 SECTION 12. Section 701.258, Occupations Code, is amended
8 to read as follows:

9 Sec. 701.258. QUALIFIED PERSON ENTITLED TO LICENSE. (a)
10 The dietitians board shall issue a license certificate as a
11 licensed dietitian to a person qualified for a license under this
12 chapter.

13 (b) A person holding a license certificate issued under this
14 chapter may use any title or letters described in Section
15 701.251(b)(1).

16 SECTION 13. Subchapter H, Chapter 701, Occupations Code, is
17 amended by adding Section 701.354 to read as follows:

18 Sec. 701.354. REIMBURSEMENT NOT MANDATED; SERVICES
19 AUTHORIZED. (a) This chapter does not require new or additional
20 third-party reimbursement or mandated workers' compensation
21 benefits for services provided by a license holder under this
22 chapter.

23 (b) A license holder under this chapter is qualified to
24 provide medical nutrition therapy in accordance with 42 U.S.C.
25 Section 1395x(vv).

26 SECTION 14. Section 701.259, Occupations Code, is repealed.

27 SECTION 15. The change in law made by this Act by the

1 enactment of Section 701.251(b)(3), Occupations Code, applies only
2 to the practice of dietetics and nutrition care services on or after
3 September 1, 2008. The practice of dietetics and nutrition care
4 services before that date is governed by the law in effect on the
5 date the practice occurred, and the former law is continued in
6 effect for that purpose.

7 SECTION 16. This Act takes effect September 1, 2007.

80TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

Bill or Resolution Number: HB 2419

Myra Crowner
signature of **primary** author

Myra Crowner
printed name of **primary** author

3/2/2007
Date

PERMISSION TO SIGN HB 2419 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)

☒ ALL REPRESENTATIVES

THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

<u>A2100 Allen</u>	<u> </u> Date	<u>A2450 Cook, Byron</u>	<u> </u> Date	<u>A2795 Farabee</u>	<u> </u> Date
<u>A2125 Alonzo</u>	<u> </u> Date	<u>A2565 Cook, Robby</u>	<u> </u> Date	<u>A2820 Farias</u>	<u> </u> Date
<u>A2150 Anchia</u>	<u> </u> Date	<u>A2595 Corte</u>	<u> </u> Date	<u>A2810 Farrar</u>	<u> </u> Date
<u>A2155 Anderson</u>	<u> </u> Date	<u>A2605 Crabb</u>	<u> </u> Date	<u>A2840 Flores</u>	<u> </u> Date
<u>A2145 Aycock</u>	<u> </u> Date	<u>A2610 Craddick</u>	<u> </u> Date	<u>A2850 Flynn</u>	<u> </u> Date
<u>A2160 Bailey</u>	<u> </u> Date	<u>A2615 Creighton</u>	<u> </u> Date	<u>A2860 Frost</u>	<u> </u> Date
<u>A2205 Berman</u>	<u> </u> Date	<u>A2640 Crownover</u>	<u> </u> Date	<u>A2920 Gallego</u>	<u> </u> Date
<u>A2230 Bohac</u>	<u> </u> Date	<u>A2645 Darby</u>	<u> </u> Date	<u>A2915 Garcia</u>	<u> </u> Date
<u>A2240 Bolton</u>	<u> </u> Date	<u>A2620 Davis, John</u>	<u> </u> Date	<u>A2960 Gattis</u>	<u> </u> Date
<u>A2250 Bonnen</u>	<u> </u> Date	<u>A2625 Davis, Yvonne</u>	<u> </u> Date	<u>A2945 Geren</u>	<u> </u> Date
<u>A2280 Branch</u>	<u> </u> Date	<u>A2680 Delisi</u>	<u> </u> Date	<u>A2935 Giddings</u>	<u> </u> Date
<u>A2265 Brown, Betty</u>	<u> </u> Date	<u>A2690 Deshotel</u>	<u> </u> Date	<u>A2910 Gonzales</u>	<u> </u> Date
<u>A2270 Brown, Fred</u>	<u> </u> Date	<u>A2705 Driver</u>	<u> </u> Date	<u>A4660 Gonzalez Toureilles</u>	<u> </u> Date
<u>A2255 Burnam</u>	<u> </u> Date	<u>A2665 Dukes</u>	<u> </u> Date	<u>A2990 Goolsby</u>	<u> </u> Date
<u>A2295 Callegari</u>	<u> </u> Date	<u>A2660 Dunnam</u>	<u> </u> Date	<u>A3045 Guillen</u>	<u> </u> Date
<u>A2495 Castro</u>	<u> </u> Date	<u>A2650 Dutton</u>	<u> </u> Date	<u>A3035 Haggerty</u>	<u> </u> Date
<u>A2585 Chavez</u>	<u> </u> Date	<u>A2775 Eiland</u>	<u> </u> Date	<u>A3050 Hamilton</u>	<u> </u> Date
<u>A2480 Chisum</u>	<u> </u> Date	<u>A2780 Eissler</u>	<u> </u> Date	<u>A3100 Hancock</u>	<u> </u> Date
<u>A2525 Christian</u>	<u> </u> Date	<u>A2785 Elkins</u>	<u> </u> Date	<u>A3160 Hardcastle</u>	<u> </u> Date
<u>A2425 Cohen</u>	<u> </u> Date	<u>A2805 England</u>	<u> </u> Date	<u>A3150 Harless</u>	<u> </u> Date
<u>A2435 Coleman</u>	<u> </u> Date	<u>A2800 Escobar</u>	<u> </u> Date	<u>A3165 Harper-Brown</u>	<u> </u> Date

A3170 Hartnett	Date	A3730 Mallory Caraway	Date	A4200 Puente	Date
A3175 Heflin	Date	A3780 Martinez	Date	A4230 Quintanilla	Date
A3155 Hernandez	Date	A2835 Martinez Fischer	Date	A4215 Raymond	Date
A3140 Herrero	Date	A3665 McCall	Date	A4220 Riddle	Date
A3250 Hilderbran	Date	A3650 McClendon	Date	A4250 Ritter	Date
A3275 Hill	Date	A3845 McReynolds	Date	A4270 Rodriguez	Date
A3305 Hochberg	Date	A3830 Menendez	Date	A4350 Rose	Date
A3290 Hodge	Date	A3840 Merritt	Date	A4525 Smith, Todd	Date
A3325 Homer	Date	A3825 Miles	Date	A4540 Smith, Wayne	Date
A3330 Hopson	Date	A3835 Miller	Date	A4530 Smithee	Date
A3315 Howard, Charlie	Date	A3860 Moreno	Date	A4505 Solomons	Date
A3310 Howard, Donna	Date	A3870 Morrison	Date	A4545 Strama	Date
A3340 Hughes	Date	A3865 Mowery	Date	A4565 Straus	Date
A3375 Isett	Date	A3875 Murphy	Date	A4570 Swinford	Date
A3350 Jackson	Date	A3885 Naishtat	Date	A4585 Talton	Date
A3405 Jones	Date	A3900 Noriega	Date	A4600 Taylor	Date
A3480 Keffer	Date	A3880 Oliveira	Date	A4630 Thompson	Date
A3470 King, Phil	Date	A3886 Olivo	Date	A4650 Truitt	Date
A3460 King, Susan	Date	A3930 Orr	Date	A4685 Turner	Date
A3465 King, Tracy	Date	A3940 Ortiz, Jr.	Date	A4700 Van Arsdale	Date
A3495 Kolkhorst	Date	A3945 Otto	Date	A4780 Vaught	Date
A3485 Krusee	Date	A4090 Parker	Date	A4725 Veasey	Date
A3450 Kuempel	Date	A4050 Patrick	Date	A4800 Villarreal	Date
A3520 Latham	Date	A4100 Paxton	Date	A4900 Vo	Date
A3540 Laubenberg	Date	A4140 Pena	Date	A4995 West	Date
A3560 Leibowitz	Date	A3240 Pierson	Date	A5005 Woolley	Date
A3610 Lucio, IH	Date	A4160 Phillips	Date	A5150 Zedler	Date
A3705 Macias	Date	A4180 Pickett	Date	A5170 Zerwas	Date
A3715 Madden	Date	A4185 Pitts	Date	District 29	Date

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AN ACT

relating to the licensing and regulation of the practice of dietetics and nutrition care services.

MAR 05 2007

Filed with the Chief Clerk

MAR 13 2007

Government Reform

Read first time and referred to Committee on

Reported _____ favorably (as amended)
(as substituted)Sent to Committee on (Calendars)
(Local & Consent Calendars)Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not votingRead third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

Read third time, _____, and passed by a (viva voce vote)
(_____ yeas, _____ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____,

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____,

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)